UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,068	01/17/2002	Laurence Edward LaForge	24888	1113

7590   09/21/2006

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EXAMINER
PATEL, DHAIRYA A

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2002*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. Application # 10/050,068 was filed on 1/17/2002. Claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Passint et al. U.S. Patent # 6,101,181 (hereinafter Passint).

As per claim 1, Passint teaches a system for prescribing point-to-point channels among nodes, comprising means for

-inputting the total number of nodes (column 5 lines 52-62);

-inputting the total number of nodes (column 5 lines 52-62);

-determining an assignment of fewest channels that guarantees every pair of fault-free nodes is connected by some path in the same quorum (column 13 lines 21-45); and

-outputting the channel assignments (column 8 lines 9-20)(Fig. 22)(Fig. 23).

As per claim 2, Passint teaches the system as recited in claim 1, with means for minimizing the quorum radius or diameter (column 1 lines 49-55).

As per claim 3, Passint teaches the system as recited in claim 1, with means for inputting channel cost; and determining a minimum cost channel assignment (column 20 lines 18-38).

As per claim 4, Passint teaches the system as recited in claim 1, with means for inputting latencies for nodes and channels (column 20 lines 18-38); and determining a minimum cost channel assignment that minimizes the maximum quorum latency (column 20 lines 18-38).

As per claim 5, Passint teaches the system as recited in claim 1, with means for inputting capacities for nodes and channels (column 5 lines 52-62); and determining a minimum cost channel assignment which maximizes quorum throughput (column 1 lines 56-65).

As per claim 6, Passint teaches the system as recited in claim 1, with means for inputting node values; and determining a channel assignment with maximum quorum value, gross or net (column 12 lines 24-45)(column 14 lines 29-34).

As per claim 7, Passint teaches the system as recited in claim 1 with faults distributed probabilistically or deterministically (column 13 lines 21-45).

As per claim 8, Passint teaches the system as recited in claim 1, such that the guarantee of quorum formation is replaced by probabilistic assurance (column 13 lines 21-45).

As per claim 9, Passint teaches the system as recited in claim 1, such that faults may occur in channels, nodes, or both channels and nodes (column 13 lines 21-45).

As per claim 10, Passint teaches The system as recited in claim 1, such that the channel assignment is required to be regular, or nearly so (column 20 lines 18-38)(column 8 lines 9-20).

As per claim 11, Passint teaches the system as recited in claim 1, such that the quorums may contain an arbitrarily specified number or proportion of faults (column 13 lines 18-38).

As per claim 12, Passint teaches the system as recited in claim 1, such that the channel assignments correspond to test assignments for mutual test and diagnosis (MTAD) (column 20 lines 18-38).

As per claim 13, Passint teaches the system as recited in claim 1, such that edges in the underlying graph model are generalized to directed multi-edges or hyper-edges (Fig. 7)(Fig. 8)(Fig. 9)(Fig. 10)

As per claim 14, Passint teaches a computer implementation of the system recited in claim 1 (column 5 lines 50-65)(Fig. 1).

As per claim 15, Passint teaches The computer implementation as recited in claim 14, with the objective of designing or operating multicomputers, networks, bus structures, or circuits (column 5 lines 50-65).

As per claims 16-28 respectively, teaches same limitations as claims 1-14

respectively, therefore rejected under same basis.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

A). "Method and Apparatus for transmitting data to a node in a distributed data

processing system" by Johnson et al. U.S. Patent # 6,570,853

4. A shortened statutory period for response to this action is set to expire **3**

(three) months and 0 (zero) days from the mail date of this letter. Failure to respond

within the period for response will result in **ABANDONMENT** of the applicant (see 35

U.S.C 133, M.P.E.P 710.02, 710.02(b)).

5.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-

5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DAP

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER